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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,529	11/21/2005	Wolfgang Eckhardt	Q106466	8743

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EXAMINER	
BRIGGS, NATHANAEL R	

ART UNIT	PAPER NUMBER
2871	

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07/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/557,529	ECKHARDT ET AL.	
	Examiner	Art Unit	
	NATHANAEL R. BRIGGS	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 5-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 16 is objected to because of the following informalities: The term "backlight" should be spelled "back light". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitted et al. (US 6,795,137) in view of Evanicky et al. (US 2007/0085816).

5. Regarding claims 5 and 12, Whitted discloses an arrangement (see figure 12, for instance), comprising: a panel (500) of a flat screen, wherein the panel is illuminated from the rear by the light of a back light (510); a back light control (503, 504) adjusting a luminance of the back light, a sensor outputting an actual luminance signal to the back light control; first light-permeable parts (206) arranged between the back light and the sensor, wherein the sensor 502 senses the ambient luminance, and at least one of deterioration properties and temperature properties of the first light permeable parts essentially correspond to the properties of second light-permeable parts of the panel.

However, Whitted does not expressly disclose wherein the sensor senses the luminance of the first light-permeable parts.

6. Regarding claims 5 and 12, Evanicky discloses an arrangement (see figure 14D, for instance) having a flat panel (216) and wherein a sensor (800) senses the luminance of first light-permeable parts.

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor of Evanicky in the arrangement of Whitted. The motivation for doing so would have been to calibrate the panel according to desirable color characteristics, as taught by Evanicky ([0081]). Claims 5 and 12 are therefore unpatentable.

8. Regarding claims 6 and 13, Whitted discloses the arrangement according to claims 5 and 12 (see figure 12, for instance), wherein the first light-permeable parts comprise at least one of diffuser films and polarization films (column 1, lines 35-37). Claims 6 and 13 are therefore unpatentable.

9. Regarding claims 7 and 14, Whitted discloses the arrangement according to claims 6 and 13 (see figure 12, for instance), wherein the first light-permeable parts further comprise a panel glass with LCD fluid (104). Claims 7 and 14 are therefore unpatentable.

10. Regarding claims 8-11 and 15, Whitted discloses the arrangement according to claims 5-7 and 12 (see figure 12, for instance), wherein the first light-permeable parts are essentially identical to the second light-permeable parts. Claims 8-11 and 15 are therefore unpatentable.

11. Regarding claim 16, Whitted discloses an arrangement (see figure 13, for instance), comprising: a flat screen display panel (501) having a viewing side, a back side and at least a first light-permeable layer (208) between the viewing side and the back side, a back light illuminating (207) the panel from the back side of the panel; a second light-permeable layer (206) corresponding in at least one predetermined property to the first light-permeable layer; a sensor (502) detecting ambient luminance; a back light control (503, 504) adjusting the luminance of the back light in accordance with the detected luminance of the sensor and a target luminance value. However, Whitted does not expressly disclose a sensor detecting a luminance of the backlight through the second light-permeable layer but not through the first light-permeable layer.

12. Regarding claim 16, Evanicky discloses an arrangement (see figure 14D, for instance) comprising a flat panel (216) having a sensor (800) detecting a luminance of the backlight through the second light-permeable layer but not through a first light-permeable layer (in combination with Whitted).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor of Evanicky in the arrangement of Whitted. The motivation for doing so would have been to calibrate the panel according to desirable color characteristics, as taught by Evanicky ([0081]). Claim 16 is therefore unpatentable.

14. Regarding claim 17, Whitted in view of Evanicky discloses the arrangement according to claim 16 (see Whitted figure 13, Evanicky 14D, for instance), wherein the first light-permeable layer and the second light-permeable layer each comprises a diffuser and a polarization film. Claim 17 is therefore unpatentable.

15. Regarding claim 18, Whitted in view of Evanicky discloses the arrangement according to claim 16 (see Whitted figure 13, Evanicky 14D, for instance), wherein the first light-permeable layer and the second light-permeable layer each comprises a glass and LCD fluid. Claim 18 is therefore unpatentable.

16. Regarding claim 19, Whitted in view of Evanicky discloses the arrangement according to claim 16 (see Whitted figure 13, Evanicky 14D, for instance), wherein the second light-permeable layer has a cross-sectional area less than a quarter of a cross-sectional area of the first light-permeable layer. Claim 19 is therefore unpatentable.

17. Regarding claim 20, Whitted in view of Evanicky discloses the arrangement according to claim 16 (see Whitted figure 13, Evanicky 14D, for instance), wherein a cross-sectional area of the second light-permeable layer essentially equals a luminance detecting area of the sensor. Claim 20 is therefore unpatentable.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHANAEL R. BRIGGS whose telephone number is (571)272-8992. The examiner can normally be reached on 9 AM - 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathanael Briggs
7/16/2009

/Andrew Schechter/
Primary Examiner, Art Unit 2871